

**REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-4, 6, 7, 10-12, 15-20 and 23-37 are pending in the application, with Claims 1, 12, 17, 24-26, 35 and 37 being the independent claims.

The Examiner rejected Claims 1-4, 6, 7, 10, 11, 17-20, 23-26 and 28-36 under 35 U.S.C. §103(a) as being unpatentable over International Publication No. WO 00/05912 to *Johnson et al.* (hereinafter, *Johnson*) in view of U.S. Publication No. 2003/0026215 to *Schafer*, U.S. Publication No. 2001/0055288 to *Uebayashi et al.* (hereinafter, *Uebayashi*) and U.S. Publication No. 2002/0024937 to *Barnard et al.* (hereinafter, *Barnard*). The Examiner rejected Claims 12, 15, 16, 37 and 38 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Schafer*, *Uebayashi*, *Barnard* and U.S. Publication No. 2004/0157561 to *Akerberg*. The Examiner rejected Claim 27 under 35 U.S.C. §103(a) as being unpatentable over *Johnson* in view of *Schafer*, *Uebayashi*, *Barnard* and U.S. Publication No. 2003/0003882 to *Samuels*.

Regarding the §103(a) rejection of Claims 1-4, 6, 7, 10, 11, 17-20, 23-26 and 28-36, the Examiner contends that each element of the claims is taught, suggested or rendered obvious by the combination of *Johnson*, *Schafer*, *Uebayashi* and *Barnard*.

*Johnson* discloses a method for allocating resources to a terminal in a communication system. *Schafer* discloses a method for optimizing capacity in multi-user time division duplex communication systems through minimizing guard times utilized in the duplexed signals. *Uebayashi* discloses a channel assigning method for executing appropriate channel assignment in a mobile communication system when both a channel for a service area based on an FDD method and a TDD method may be assigned. *Barnard* discloses primary and secondary stations for use in a radio communication system operating according to at least two modes.

Claim 1 has been amended to more clearly recite the subject matter of the present invention. Specifically, Claim 1 has been amended to recite that the base station assigns to the mobile station a channel of a forward link and a reverse link in the TDD mode if the mobile station is located in a close area, and a channel of the forward link in the TDD mode and a channel of the reverse link in the FDD mode if the mobile station is located in a remote area.

*Johnson* describes that if data traffic is not symmetric, the TDD scheme is favorable, however, *Johnson* fails to relate the selection of the scheme to a location of a mobile station. Specifically, *Johnson* fails to disclose using the TDD scheme if the mobile station is located in a close area, and using the TDD scheme to distinguish a forward link and from a reverse link if the mobile station is located in a remote area, as recited in amended Claim 1.

*Schafer* describes that the order of subscriber systems on the reverse and/or forward links may be arranged to correspond to their distance from the hub in order to allow guard times to be reduced to a minimum. (paragraph 21). Further, *Schafer* describes that TDMA bursts are shown with respect to the transmit frame and receive frame as specified time slots (paragraph 43).

Thus, while *Schafer* describes an order of subscriber systems on a reverse/forward link corresponding to distance from a hub as well as a frame having time slots, *Schafer* fails to provide any relation between the assignment of time slots and subscriber system distance from the hub.

*Schafer* fails to disclose the assigning of time slots in order of each mobile station nearest to the base station, as recited in Claim 1. *Schafer* also fails to disclose the assignment of time slots beginning at a time slot in an area close to the guard time in order of each mobile station nearest to the base station, as recited in Claim 1. Thus, *Schafer* fails to remedy the deficiencies of *Johnson*. *Barnard* and *Uebayashi* also fail to remedy these deficiencies, and

amended Claim 1 is patentable over the combination of *Johnson, Schafer, Uebayashi* and *Barnard*.

The Examiner also rejected independent Claims 17, 24-26 and 35 under 35 U.S.C. §103(a). Claims 17, 24-26 and 35 have also been amended and recite subject matter similar to that of amended Claim 1. In view of the above, amended Claims 17, 24-26 and 35 are also patentable over the combination of *Johnson, Schafer, Uebayashi* and *Barnard*.

Regarding Claims 2-4, 6, 7, 10, 11, 18-20, 23, 28-34 and 36, while not conceding the patentability of the dependent claims, *per se*, Claims 2-4, 6, 7, 10, 11, 18-20, 23, 28-34 and 36 are also patentable for at least the above reasons. Accordingly, Applicants assert that Claims 1-4, 6, 7, 10, 11, 17-20, 23-26 and 28-36 are allowable over *Johnson, Schafer, Uebayashi, Barnard*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejection of Claims 12, 15, 16 and 37, Claims 12 and 37 have also been amended and recite subject matter containing the deficiencies of the combination of *Johnson, Schafer, Uebayashi* and *Barnard* described above. *Akerberg* also fails to remedy these deficiencies. Therefore, amended Claims 12 and 37 are patentable over the combination of *Johnson, Schafer, Uebayashi, Barnard* and *Akerberg*.

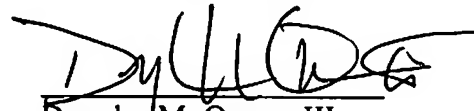
Regarding Claims 15 and 16, while not conceding the patentability of the dependent claims, *per se*, Claims 15 and 16 are also patentable for at least the above reasons. Accordingly, Applicants assert that Claims 12, 15, 16 and 37 are allowable over *Johnson, Schafer, Uebayashi, Barnard, Akerberg*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejection of Claim 27, *Samuels* also fails to remedy the deficiencies of *Johnson, Schafer, Uebayashi* and *Barnard* described above. Therefore, while not conceding the patentability of the dependent claim, *per se*, Claim 27 is also patentable for

at least the above reasons. Accordingly, Applicants assert that Claim 27 is allowable over *Johnson, Schafer, Uebayashi, Barnard, Samuels*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 1-4, 6, 7, 10-12, 15-20 and 23-37, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Douglas M. Owens III', written over a horizontal line.

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